

PATENT
Docket 23IDALEX5

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 11 2005

Applicant:
V.S. Maisotsenko et al

Art Unit: 3743

Application No.: 10/619,529
Confirmation No: 7480

Examiner: McKinnon, T.

Filed: 07/15/2003

Title: Evaporative Duplex Counterheat Exchanger

Response

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the office action dated as mailed on 11/17/04, and having a period of response extending through and including 02/17/05, Applicants request reconsideration of the above identified application.

Applicants traverse the objection to claims 5-9, and the examiner's contention of "product by process claims," and the reference to MPEP 2113.

Claims 5-9 clearly recite a "method of using" which were written specifically in accordance with MPEP 821.04.

Accordingly, withdrawal of the objection to these claims is warranted and is requested.

CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)

I hereby certify that this 12-PAGE correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 703-872-9306 on the transmission date indicated below.

FRANCIS L. CONTE
(Name of person transmitting paper)

(Signature of person transmitting paper)

11 January 2005
(Date)